

PLANNING COMMITTEE – 6 AUGUST 2019

Application No:	19/00208/FUL		
Proposal:	Change of use of former Co-op Retail Store (A1) to Pizza Restaurant, Cafe Bar (A3 & A4) including interior and exterior alterations and refurbishments, new shopfront and new access door to courtyard.		
Location:	Former Co-op, Main Street, Farnsfield, Nottinghamshire, NG22 8EF		
Applicant:	Mr & Mrs Oliver		
Registered:	06.02.2019	Target Date:	03.04.2019
	Extension agreed to: 05.07.2019		

In line with the Scheme of Delegation this application is referred to Planning Committee as the application involves a commercial proposal which could potentially deliver significant rural employment opportunities and the application would otherwise be recommended by officers for refusal. The recommendation is contrary to the recommendation of the Parish Council.

The Site

The site is located within the defined local centre of Farnsfield and within the Conservation Area as defined by the Allocations and Development Management DPD. The south-western corner of the site lies within Flood Zone 3 as defined by the Environment Agency Flood Map and includes the remainder of the site that is devoid of built form.

The building at present has an A1 use class (retail). Whilst it is currently vacant it was previously used as a Co-Op convenience store before this relocated further east along the Main Street. The unit lies to the south of Main Street towards the western side of the defined local centre. Across the highway to the north is a collection of A1 units; to the South West is a residential property, 'Janik'. Adjoining the application site to the east is a Grade II listed residential property. The premises are surrounded by residential and mixed use buildings with an industrial unit to the rear.

The building has a rendered brick front elevation with a glazed shopfront which has been boarded in with a pedestrian doorway off the pavement. To the eastern side of the site is a gated loading access which leads onto the rear courtyard off the pavement whilst to the south of the application building is a small rear yard area with a flat roofed store.

The site falls within the Farnsfield Local Centre as defined by the Allocations and Development Management DPD.

Relevant Planning History

No relevant planning history.

The Proposal

The application seeks permission for the change of use of the former Co-Op building (A1-retail use) to a Pizza Restaurant and Café/Bar (A3 & A4 - Food & Drink/Drinking Establishment use). As part of this change of use the applicant seeks permission to carry out external and internal alterations and refurbishments including the installation of a new shop front and a new access door to the courtyard area.

The internal footprint of the building will remain unchanged.

Alterations proposed to:

Front (N) elevation: new glazed shopfront along the eastern side of the frontage and the insertion of a new glazed shopfront and entrance to the west of the front elevation.

Side (W) elevation: insertion of a new glazed folding door access and erection of a timber pergola measuring 6.3 m deep x 3 m wide, 2.8 m in height.

Rear (S) elevation: New chimney installed on the rear facing roof slope to serve the wood fired oven, finished in black. Air conditioning external units installed.

Extension proposed to the external store/outbuilding: 3.4 m wide x 3 m deep, 2.7 m in height.

Proposed Staff Numbers: 15 new permanent jobs full and part time

Proposed number of staff on site during day and evening trade

Mon – Thurs - 0800 – 15.30 hrs. = 4

Mon – Thurs – 15.30 – 22.30 hrs. = 6

Fri – Sun - 0800 – 15.30 hrs. = 6

Fri – Sat – 15.30 – 23.00 hrs. = 8

Opening Hours:

Monday – Thursday & Sunday: 08:00am – 22:30pm

Friday & Saturday: 08:00am – 23:00pm

Covers:

Up to 60 dining inside, the outside courtyard will accommodate another 16-20 covers (this area will not be covered and is intended more for daytime/ early evening use for coffee/ snacks).

The internal alterations proposed do not require planning permission but include: Works to the structural openings, new counters, finishes and fittings, new toilet facilities, installation of a wood fired pizza oven and air conditioning and will utilise existing services and infrastructure.

Documents submitted:

- Application Form
- Design and Access Statement
- Gozoney Ovens Data Sheet
- For Sale Details & Cover Letter
- Air Conditioning Units – SK_AC
- Proposed Plans and Elevations – ref. 1154_PO4
- Existing Plans and Elevations – ref. 1154_PO3
- Proposed Floor Plans – ref. SK_01 rev. H
- Napoli 1250 Pizza Oven Specification

- Transport Statement
- Supporting Statement: Hours of opening, staff numbers and customer base
- Supporting Statement: Parking Update
- Customer Support Petition with 53 names and email addresses.
- Parking number comparisons between retail use and restaurant use
- Beat Survey Map and Results

Public Advertisement Procedure

Occupiers of 17 properties have been individually notified by letter. A site notice has been displayed close to the application site and an advert has been placed in the local press. The consultation period expired on 18th March 2019.

Planning Policy Framework

The Development Plan

Farnsfield Neighbourhood Plan (Adopted 28th September 2017)

FNP4: Local Employment Opportunities

FNP5: Creating a Thriving Parish

Newark and Sherwood Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9 - Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

DM9 – Protecting and Enhancing the Historic Environment

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014

Consultations

Farnsfield Parish Council – Support the scheme.

Initial Comments 13.2.19 “Farnsfield Parish Council actively supports this application.”

Additional comments received – 27.2.19 “Farnsfield Parish Council submitted their comments regarding this planning application following their planning meeting on Tuesday 12th February. Following a meeting last night where a group of residents attended and asked the Councilors to reconsider their support for the application the Council has decided that this should be discussed again on Tuesday 12th March. Would it be possible for Council to resubmit their comments after this meeting if they decide to change their view on the application and have them taken into account. I assume this would require an extension in the time for submissions to the 13th March.”

Revised Comments 13.3.19 “Farnsfield Parish Council do not object to this planning application”

Hockerton Parish Council – “Having learned about the application, I'd like to offer enthusiastic support for 19/00208/FUL which is for a pizza restaurant in Farnsfield. To have a proper wood fired pizza restaurant and take-away nearby would be fabulous; and it would serve Farnsfield (whose population has expanded greatly recently) very well. I do hope the planning committee look favourably on the application.

NSDC Conservation – “I went to visit site today and was actually able to visit the full site as the applicants happened to be on site.

The building is a modern structure. I note it is attached to a listed building and historic maps do show a structure in this position, but the materials and form of the existing building are not those of a historic building. While there are possibly bricks of different ages in the gable of the main building, these are all later C20. The site boundaries here are partly constituted of historic bricks, so are presumably remnants from the older structure here. Also, the rear lean-to outbuilding has Georgian bricks in places, but the structure has been both truncated and mostly rebuilt.

The frontage of the building is prominent in the street scene of Main Street and works here have the ability to affect the character and appearance of Farnsfield Conservation Area. Being attached to the listed building (The Bus Stop Pot Shop) the proposals also have the ability to affect the setting, and therefore significance, of the listed building.

I also note a reasonable proximity of the building to the parish church and other listed buildings, but given intervening buildings, along with the nature of the proposed works, I do not think the proposal will affect the setting of any other buildings.

I have no objection to this proposal which sees relatively minor modifications/additions to a modern building of no particular significance.

The re-opening up of the front façade with shop windows will be an enhancement re-animating an otherwise blocked up and blank façade. The proposed shopfront detail is very similar to the façade of the building when it was the coop but with more divisions to the shop windows and another door, which actually breaks the façade up better than previously. I would not want to see this in UPVC. I have no objection to the proposed gable doors, which will have little impact on the building or wider area.

I note a new proposed timber pergola which will be visible down the gap at the side beyond the gable, but this is a light weight and essentially permeable structure and will again have little

impact. I have no objection to the proposed siting of air con and extract pipes which are on the most discrete facades and will be barely visible in the public realm.

I have no objection to the proposed extension of the outbuilding, which follows the line and form of the existing building, and which in any event is hugely altered. The resultant form is in keeping with this rear yard.

Overall this proposal will not harm the setting of the listed building or the significance of the conservation area and the re-animation of the front façade will be an improvement to the street front generally. This accords with Section 72 and 66 of the Planning (Listed Building and Conservation Areas Act) 1990.

I note this application does not include signage, which it would not need to, but it would be good to notify the applicants that any signage here may require Advert Consent and to direct them to our SPD covering signage.”

- Confirmation received from the agent that a separate signage/advert application will be submitted and that the windows are to be hardwood double glazed.

NSDC Environmental Health – “I refer to the above application and would comment as follows. The plans show that the property is semidetached on one side and in close proximity to residential properties on the other sides.

In respect of the adjoining property there is scope for noise from inside the application site affecting the residents next door. This could be addressed by requiring a high standard of sound insulation, to be approved by the LPA, be provided to the walls, were any consent give. On the remaining sides there is shown a courtyard area that presumably would be available for diners to use in warmer weather. I also note that there is external air conditioning plant to be installed. Both of these installations could cause noise and disturbance to neighbours. The fixed plant could be addressed by screening to LPA approval and that may be a way to deal with the outside dining area, were any consent to be granted.

I note that a wood fired pizza oven is to be installed. Farnsfield is not in a smoke control area and the manufacturers data appears to show that the appliance is on the Defra, exempt appliance list. In any event there is scope for nuisance from wood smoke and cooking odours though I do accept that pizza is at the lower end of the potential for cooking odour. Can I ask therefore how potential smoke and cooking odours will be addressed?”

Following confirmation regarding the proposed soundproofing (internal sound insulation to neighbouring walls), ability to restrict the house of use of the external eating area, screening of the air conditioning unit and specification for the proposed pizza oven (which would use gas to pre heat) the EHO has confirmed that the application is acceptable (subject to appropriate conditions) and they raise no objection to the scheme.

NSDC Access and Equalities Officer – “It is recommended that the developer be advised to consider inclusive access by all people, with particular reference to disabled people. In particular, inclusive access to, into and around the proposal together with adequate manoeuvring space should be carefully considered with suitably wide level approaches and inclusive access to available features, equipment and facilities. It is recommended that the developer make separate enquiry regarding Building Regulations and be mindful of the provisions of the Equality Act.”

NCC Highways – Object and recommend refusal

25.2.19 - "This proposal is for the change of use of the former Co-op store to pizza restaurant, café bar. There is no parking provision for the site. There are 15 members of staff expected, however, it is unclear how many staff will be on site at one time. Could this be clarified. It is understood that the opening hours will be 0800-2230hrs Mon-Thurs and Sunday and 0800-2300hrs Friday, Saturday. Could the applicant please clarify the maximum number of customers that are expected to be accommodated at one time."

Additional comments received – 20.03.2019 – "The applicant has provided further details for this proposal, confirming the maximum number of staff at one time will be approx. 8, of which 50% are expected to be within walking distance of the application site. Also, it is confirmed there are 50-60 customers expected at the pizzeria whilst the Transport Statement states that 60 covers will be provided indoors with approx. 20 covered seating in the courtyard.

There are a number of residential properties along Main Street, in the vicinity of the application site, which have no off street parking facilities, therefore, considerable on street parking occurs in this area. It is stated that the former use of the site, as a food store, did not provide car parking within the site. However, for this type of proposed use and the expected demand, particularly in the evenings and weekends, it is considered this proposal would result in further on street parking in this area, exacerbating the current situation.

Therefore, it is recommended that this application be refused for the following reason: The proposed development fails to make adequate provision for the parking of any vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway and surrounding area to the detriment of highway safety."

Additional comments received - 26.4.19 – "Although it is acknowledged that the site could reopen again as an A1 use without permission, a retail/convenience store generates vehicular movements in short stops, whereas the proposed use will require vehicles to be parked in the vicinity for the duration of their visit, resulting in parking on nearby side streets if not available on Main Street.

A total of 32 representations have been received in relation to the scheme as follows:-

12 representations have been received in **objection** to the application which can be summarized as follows:

- Concerns regarding the Parish Council comments '**actively** supporting' the application and their involvement in the planning application;
- Concerns regarding the reliability of the Transport statement;
- Loss of an A1 unit in a shopping area;
- A4 and A5 use could attract larger pub/takeaway chains;
- Concerns about highways safety: lack of parking, traffic flow, pedestrian safety;
- Too many eating establishments will impact existing local businesses – food and drink market is already saturated;
- Potential for noise disturbance from the late opening hours;

- Chimney proposed would not be in keeping with the surrounding area;
- Concerns relating to odour and combustion nuisance;
- Suggestion for customers to park in the village car park on Parfitt Drive to the east of the site will not be carried out as it is 0.6 miles away;
- Local residents need the on street parking outside this premises more than the restaurant;
- Nearby residents have to get up for work early in the mornings and therefore a late opening time is not acceptable;
- Businesses will lose trade if their customers cannot park on street near the application site;
- No provision for the loading/offloading of delivery vehicles;
- Concerns that the premises would operate a takeaway service and the repercussions of this for parking and litter;
- Unreasonable opening hours proposed.

20 representations have been received in **support** of the application, summarized as follows:

- Welcomed addition to the village that would appeal to families;
- The trail food van has been successful with local people;
- The restaurant would provide local jobs;
- The restaurants reputation will draw more people to Farnsfield;
- Addition of another business will add to a prospering rural village vitality;
- The proposal will bring a main unit in the centre of the village back into re-use and improve the area;
- The proposal will diversify the village centre;
- Parking would still be an issue if the site operated as a shop.

Comments of the Business Manager

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 28th September 2017 Newark and Sherwood District Council adopted the Farnsfield Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Farnsfield. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Principle of Development

Core Policy 6 requires the economy of the District to be strengthened and broadened with most growth to take place in Newark and to a lesser extent within Farnsfield which is identified as a 'principal village' that has a good range of services and facilities and which is expected to act as a secondary focus for service provision in its area. The NPPF supports sustainable economic growth and places significant weight on the need to support economic growth through the planning system.

The Core Policy accepts commercial development subject to an assessment of numerous factors including satisfactory provision of access for parking and servicing and the protection of the amenities of adjacent neighbouring areas, which are also required by Policy DM5 of the ADMDDP.

Policy Fa/LC/1 of the Allocations & Development Management DPD states that to promote the strength of Farnsfield as a Principal Village, a Local Centre has been defined on the Policies Map. The site falls within this local centre. In order to promote the strength of the principle village Fa/LC/1 stated that development of retail and other town centre uses within the Local Centre will be considered against the general policy requirements in the Core Strategy and the Development Management Policies in Chapter 7, with particular reference to DM Policy 11 Retail and Town Centre Uses.

Part 3 of policy DM11 covers development of retail and town centre uses in local centres such as Farnsfield. Within these areas new and enhanced convenience retail development that serves the community in which it is located and is consistent with its size and function will be supported. Retention of the primary shopping frontages within local centers are key to maintaining their vitality and viability and consequently the Council require substantial justification of the benefits in order to support non retail uses.

Part 5 of the Farnsfield Neighbourhood Plan, Local Priorities, refers to employment and the economy within Farnsfield. The policy states that development should support the local employment and be of a scale appropriate in the rural village. The policy also supports local retail and office uses and their expansion, particularly in relation to Small and Medium Enterprises (SMEs). Policies FNP4: Local Employment Opportunities and FNP5: Creating a Thriving Parish support development within the village envelope so long as it is of an appropriate scale, can be accommodated within the highways and wider infrastructure of the village, would not adversely impact the highway and public parking provision, is sympathetic to the residential environment and respects the character of the village. In addition, employment opportunities will be particularly encouraged where they would also provide skilled jobs for local people; would make provision for micro businesses and start-ups; and supports new and/or growth sectors.

This application proposes the change of use of an existing A1 unit to A3 (Restaurants & Café) and A4 (Drinking Establishments) use classes to cater for a Pizza Restaurant/ Cafe Bar. The applicant has advised that the building has been marketed on a leasehold basis since 2014 and more recently on a freehold/leasehold basis. The marketing of the unit has comprised of a marketing board on the building, facing onto Main Street; mailing has been undertaken on a regular basis both to national retailers and enquiries registered on an internal database with requirements for similar types of property in Farnsfield and the wider area. The applicant states that there has been very little interest in the unit due to the programme of refurbishment required to be undertaken by the next occupier to bring this property back into repair and make it habitable again.

The applicant seeks to open the unit as a pizzeria restaurant and café bar which would see the creation of 15 jobs (a mixture of full and part time posts), and whilst the applicant advises that they have interest from local people to fill these vacancies it is not possible for the planning system to control the locality of employees. I do however accept that this proposal would offer a significant amount of employment opportunity within this principal village location which is supported in principle.

I note that comments in objection to this proposal refer to the Council having a policy which resists the change of use of A1 units in shopping areas – to this I would note that policy DM11

supports retail uses within local centres such as Farnsfield but does not preclude the diversification of these areas adding that non-retail uses will be supported where there is a clear and convincing justification. Competition for retail businesses within Farnsfield and particularly this local shopping frontage is high, with the large Co-Op store that relocated to the former pub to the east of the application site along with other local food retailers.

Since the relocation of the Co-Op store the application site has not operated successfully, I therefore consider the use of this building, to a town center type of use such as this would be appropriate in principle and is preferable than having such a large, keystone unit vacant within the local centre. As such I consider the change of use of this building would contribute to the vitality and viability of the local centre. I do not consider the application will result in a fundamental loss of the A1 use as a community facility as it is possible that the unit could revert back to an A1 use under permitted development rights should this application be granted. The uses classes sought are appropriate within a local centre location and as such I consider the application to be acceptable in principle.

The proposal will not fundamentally alter the total size of the existing building, with a minor extension only proposed to the external store to the rear of the building. Alterations to the external appearance of the building are limited to the installation of a new shopfront and bi-folding doors into the gable end side elevation to open up the courtyard area as usable space. Paragraph 83 of the NPPF advises that in order to support a strong, competitive economy planning decisions should enable the sustainable growth and expansion of all types of businesses [...] both through the conversion of existing buildings and well-designed new ones. The NPPF also supports the diversification of uses within principal shopping locations to support the vitality and viability of these locations. Given the location, within a Principal Village and the Farnsfield Local Centre I consider the A3 and A4 use classes to be appropriate in principal in this local centre location, subject to a detailed assessment.

Overall, it is considered that the proposed change of use of the building is acceptable in principle as it would support the local economy of a Principal Village and defined Local Centre, and would satisfy the above policy requirements subject to the assessment of the below constraints.

Impact on the Character and Appearance of the Area

The site is located close to other commercial and residential units and given that the building already has a commercial use classification it displays characteristics of a former commercial premises. Surrounding units have traditional timber glazed shop fronts which are interspersed with residential units. The building is located within the defined characterful conservation area for Farnsfield and as such, regard must be had for the impact of any works on the character and appearance of the conservation area. Given the sensitivity of the location of this building, within the Farnsfield Conservation Area (CA) and adjacent to a Grade II listed building regard must be given to the distinctive character of the area and seek to preserve and enhance the conservation area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy.

Paragraph 137 of the National Planning Policy Guidance states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas...to enhance or better reveal their significance.' Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 states, in relation to the general duty as respects conservation areas in exercise of planning functions that, 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

The application site, whilst attached to a listed building, comprises a modern building which is prominent in the street scene. The building is made up of different phases of brickwork and render and given its prominence, alterations to it have the potential to impact the character and appearance of the CA – in addition, being attached to the listed building (The Bus Stop Pot Shop) the proposals also have the ability to affect the setting, and therefore significance, of the listed building.

Overall the Conservation Officer (CO) has commented in support of this application which sees relatively minor modifications/additions to the modern building which is not considered to be of particular significance within the CA. The re-opening up of the front façade with shop windows will result in an enhancement to the building, re-animating an otherwise blocked up and blank façade. The CO advised that the proposed shopfront detail is similar to the façade of the building when it was the Co-Op but with more divisions to the shop windows and another door, which would improve the previous situation as it breaks the façade. Following clarification from the agent that the windows and door glazing is to be carried out in timber hardwood double-glazed the conservation has no objection to these alterations, in addition to the proposed gable doors, which will have little impact on the building or wider area.

Turning now to the proposed pergola. I am conscious that this would be visible within the street scene down the gap at the western side beyond the gable end of the building. However given this is a lightweight structure it would have limited impact on the character of the CA. The CO also raised no objection to the proposed siting of the air con and extraction pipes which have been proposed on the most discrete facades and will be barely visible in the public realm.

The CO has advised that they raise no objection to the proposed extension of the outbuilding, which follows the line and form of the existing building, and which in any event is hugely altered from any historic account of a previous structure in this position – the extension is minimal in footprint and would be largely screened from public view by the existing shop building. Nevertheless the resultant form would be in keeping with this rear yard.

Overall I do not consider the proposed changes would have a detrimental impact upon the character of the area particularly given the mixed use nature of Main Street and the sympathetic alterations proposed. It can be concluded that this proposal will not harm the setting of the listed building or the significance of the conservation area and the re-animation of the front façade will be an improvement to the street front generally. This application therefore accords with Section 72 and 66 of the Planning (Listed Building and Conservation Areas Act) 1990 as well as Core Policy 14 of the CS, policy DM9 of the ADMDPD and Section 16 of the NPPF.

Appropriateness of proposed use in this location and Impact on Residential Amenity

The applicant seeks to accommodate 60 covers internally and 16-20 covers externally in the courtyard area to the west of the site. The indicative site plans shows four tables could be accommodated within the courtyard area along with the 60 internal covers which would be a mixture of restaurant seating, high dining and lounge seating. The application would not result in an increase in floorspace of the main unit on site (whilst a minor extension is proposed this is only to the rear external store area). The change of use of this unit would result in the employment of 15 staff members. The applicant has advised that the maximum number of staff on site at any one time would be 8 and the minimum, 4. The opening hours are proposed to be:

Monday – Thursday & Sunday: 08:00am – 22:30pm
Friday & Saturday: 08:00am – 23:00pm

I note that the Co-Op operates from 7am – 10 pm Monday – Sunday in the site to the east and was likely to operate under similar time constraints in this unit, although the precise former opening hour restrictions are not available.

I consider the use classes to be acceptable for this local area; the site is close to existing facilities such as a food store, cafés, local produce shops, public houses etc., and other A1 use buildings with a newsagents, greengrocers and hairdressers in close proximity – the mixed use area of this location leads me to the conclusion that the proposed uses would be acceptable in this location and will not result in a dominant use along Main Street in accordance with policy DM11. The NPPF defines appropriate uses in town centre locations which include the use classes sought in this application, given the location and the size of the settlement I consider all of the use classes sought to be appropriate for this local centre.

The Parish Council, along with a number of local residents have commented in support of this application, however there have also been a number of local objections to the suitability of this use class in this location – although I note that most of these relate to highways safety and parking concerns (which will be considered later within this appraisal). Comments also relate to the ‘saturation’ of Farnsfields local centre with eateries and cafes – comments state that this proposal would result in competition for local businesses that would have a negative affect local businesspeople - to this I advise that considerations of commercial competition are not material planning considerations as such will not be discussed further.

Objectors raise concern that the “A4 and A5 use could attract larger pub/takeaway chains”. I would highlight that the application does not seek permission for A5 (takeaway) use class, which would require planning permission should this be a requirement in the future. The suitability of the A3 and A4 use class in this location has been explored above, however I would note that, subject to a detailed assessment of the amenity and highways safety impacts, the principle of these use classes are not considered to be inappropriate in this mixed use local centre location.

I have considered the appropriateness of the opening hours of the proposed restaurant café/bar with the surrounding premises/residential units and note that the former A1 use class would likely have operated under similar opening hours as the current Co-Op to the east which is 7am – 10 pm Monday – Sunday. The application seeks to open from 8am-10:30pm Monday – Thursday and Sunday and 8am – 11pm Fridays and Saturdays. I consider these opening hours for the internal restaurant to be appropriate in principle. I appreciate that the premises has been vacant for some time, and therefore surrounding residents and businesses have enjoyed a period of less

disturbance however the fall-back position is that this unit could re-open as an A1 use class at any time which would re-introduce patrons coming and going from this unit at uncontrolled hours.

The courtyard area which was previously used for loading and parking lies to the west of the shop and can be accessed externally by the public and internally through the unit. To the west of the courtyard is a residential property which sits 5m SW from the boundary of the courtyard which comprises a c. 2m high brick wall which is proposed to be retained as part of the proposal. Nevertheless this property is in close proximity to the external area. The applicant has advised that the external area is likely to only be used in the summer months and would be for use as more of a café/bar style than sit-down restaurant seating, such that the use would be less consistent than the restaurant. Subject to a detailed assessment of the amenity impact, I consider the use of this area would not be inappropriate if regulated in a way in which mitigated any potential disturbance at sensitive times such as into the late evening.

With regards to the appropriateness of the proposed uses in this location I note that the Farnsfield Local Centre is vibrant and that existing uses in the locality include residential, retail, café's and public house premises. The premises lie within the conservation area and within Farnsfield's main local centre, subject to an in depth assessment of the implications I do not consider that the proposed uses would be inappropriate or result in an incompatible use class relationship with surrounding properties. I am mindful that the surrounding area is a mix of commercial and residential premises but consider that the amendments to the use classes, coupled with the proximity to neighbouring dwellings would not result in an unacceptable relationship in this instance, subject to a more detailed assessment on residential amenity.

Impact upon Residential Amenity

Criterion 3 of policy DM5 outlines that regard should be given to the impact of proposals on amenity or surrounding land uses and should not cause unacceptable loss of amenity. The policy goes on to advise that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Given the local centre setting of the site within Farnsfield I am satisfied that the proposal would not result in any undue impact upon the amenity of the occupiers or users of nearby units.

I consider that the properties most likely to be impacted by this proposal would be 'Janik', located 5m to the SW of the boundary of the application site and the eastern adjoining occupier 'The Bus Stop Pot Shop'.

I consider that a potential increase in patronage from the shop to include the sale of food and drinks and promotional functions is likely, however I note that the residential properties are already in close proximity to businesses that operate into the evening and further westwards a public house operates to a similar opening time as proposed in this location.

The Environmental Health Officer has been consulted on the appropriateness of this use in this proximity to residential premises and they have advised that given the details that have been submitted in relation to the proposed soundproofing (internal sound insulation to be used on internal adjoining walls), screening to the external air conditioning plant unit and specification of the proposed pizza oven (which would use gas to pre heat) they raise no objection to the scheme. The EHO has confirmed that Farnsfield is not located in a smoke control area and the manufacturers details submitted show that the proposed appliance is on the DEFRA exempt appliance list, the use of gas to pre heat the appliance and extraction system proposed led the

EHO to conclude that there would be no unacceptable smoke or odour nuisance to surrounding residential properties.

The EHO raised concerns relating to the use of the external courtyard in close proximity to residential properties. I also have concerns regarding the potential use of this space up to 11 pm on Fridays and Saturdays in such close proximity to a residential property. However I note that in locations such as mixed commercial/residential areas within a defined local centre environment and served by busy roads, it may be concluded that a degree of noise and activity both during the day and in the evening is inevitable. It may also be considered that people who live in or near such a location must expect a certain level of activity close to their homes. However, I accept that the use of this courtyard area within 10m of a neighboring property is likely to result in an impact on the occupiers of this properties amenity. I therefore consider it would be reasonable to condition that this outside space could close at 9pm should Members be minded to approve the scheme.

Overall I am satisfied that subject to compliance with the submitted details relating to noise and odour abatement and restrictions to the external opening times which will be controlled via condition, there would be no unacceptable impact upon the amenity of neighbouring residents.

Due to the proposed use and size of the building which would be a constraint to the level of use of the site, I consider there would be no significant detrimental harm upon neighbouring residential occupiers or users of other adjoining buildings. As such, I consider the proposal would not result in unacceptable levels of amenity for surrounding occupiers and the proposal would accord with policy DM5 of the ADMDPD.

Highways Safety and Access

Spatial Policy 7 of the Core Strategy and Policy DM5 of the ADMDPD, along with the NPPF (para. 108) make clear the requirements for development to ensure safe and inclusive access, and to make parking provision appropriate to the scale of development. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems.

Whilst I note that a supporting statement details that the pizzeria could would entertain 50-60 customers at any one time the submitted details show that the restaurant could potentially carry out up to 80 covers at any one time along with up to 8 members of staff on site at any one time. The proposal provides no parking for either members of staff or patrons. The justification from the applicant states that c.60-70% of the customer base will be local clientele attracted from the surrounding area within walking/cycling distance, that the area benefits from public transport routes and that there is a publically accessible car park on Parfitt Drive c.500 m SE.

Main Street is a single lane carriageway running through the centre of Farnsfield in an east-west direction. The road is subject to a 30mph speed limit. It has informal on-street parking on one side of the carriageway and traffic calming bollards in an attempt to restrict on-street parking and slow traffic.

There are a number of discrepancies within the Transport Statement and the submitted details which alternate the number of covers proposed at any one time. I will base this assessment upon the initial submitted details and indicative plan which shows up to 80 covers could be accommodated on site.

NCC Highways have reviewed this application and have advised that there are a number of residential properties along Main Street, in the vicinity of the application site, which have no off street parking facilities; therefore, considerable on street parking occurs in this area. It is stated that the former use of the site, as a food store (A1), did not provide car parking within the site. However, for this type of proposed use (A3/A4) and the expected demand (up to 80 covers plus up to 8 members of staff at any one time), particularly in the evenings and weekends, it is considered this proposal would result in further and unacceptable levels of on street parking in this area, exacerbating the current situation. Restaurant users are likely to attend the site for a prolonged period of time resulting in resident displacement throughout the evening when they are likely to require their parking the most.

I accept that DM5 states that parking provision for vehicles and cycles should be based on the scale and specific location of the development and that the Council will seek to be flexible and pragmatic towards parking provision in connection with new development. In sustainable locations where development is not likely to exacerbate existing problems, the Council will not insist on on-site parking, however where development is proposed in areas of known parking problems and it is likely to exacerbate these at the expense of highway safety, the Council will seek to secure sufficient off-street parking to provide for the needs of the development.

The proposed use would attract a significant customer base however I also acknowledge that there is a fall-back position that this unit could re-open an A1 use class at any time – A1 use includes, but is not limited to: Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes. The agent argues that these A1 uses could generate more traffic than the proposed restaurant use given there is a limit to their capacity and that shorter but more frequent trips could be associated with other A1 uses. The agent also correctly states that there was no parking provision for customers for the former A1 use and that this would remain to be the case if the premises re-opened.

However NCC Highways have responded stating that although it is acknowledged that the site could reopen again as an A1 use without requiring any permission, a retail/convenience store generates vehicular movements in short stops, whereas the proposed use will require vehicles to be parked in the vicinity for the duration of their visit, resulting in parking on nearby side streets if not available on Main Street and longer displacement of residents to the detriment of highways safety.

I acknowledge that there is provision for public parking within the Farnsfield Centre and that there are a number of public bus services that operate through the area to serve the application site. I am satisfied that a large proportion of the customer base in Farnsfield could walk, utilise public parking facilities or public transport but this will not be all patrons and I must give substantial weight to the comments of NCC Highways as the technical highways experts.

The proposed development fails to make adequate provision for the parking of any vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway and surrounding area to the detriment of highway safety. The applicant advises that most of the customers will walk to the site. Whilst this could be the case it is not something that can be controlled by condition. I accept that customers could park in the public car park, however given this is some 500m to the SE and that there are residential streets in closer proximity surrounding the site I consider it also likely

that patrons would choose to park more conveniently in closer proximity, irrespective of guidance directing them to do otherwise.

The agent states that the premises could change use under 'permitted development' from A1 to A3, however I note that the premises exceeds 150m² and as such would fail the constraints of Schedule 2, Part 3, Class C of The Town and Country Planning (General Permitted Development) (England) Order 2015. Whilst the agent has submitted additional highways studies and evidence, these have been reviewed by NCC Highways who have reiterated their objection to the scheme based on a lack of parking provision.

Overall, whilst I acknowledge that there is a fall-back position that would result in a highways impact, I share the view that the impact will be materially different given that cars could be parked on the highway for longer periods of time as a result of this proposal. I give substantial weight to the technical advice of the highways officer who has concluded that the application would detrimentally impact the safety of the highway contrary to Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

Impact on Flooding

The site is located within Flood Zone 3 as defined by the Environment Agency data and as such a flood risk assessment is required.

Policy DM5 and the NPPF require development such as this to undertake the sequential test in terms of flood risk. The aim of the Sequential Approach is to ensure that sites at little or no risk of flooding (Flood Zone 1) are developed in preference to areas at higher risk (Flood Zone 2 and 3). A Flood Risk Assessment has been submitted as part of the design and access statement which appraises the risk of flooding from the development. In accordance with the PPG the application would fall to be considered as "minor development" in relation to flood risk as it is a non-residential extension with a footprint of less than 250m² and a change of use application and as such the sequential and exception tests are not required.

The proposal does not include any works to existing door thresholds, access or floor levels. The existing concrete yard, brick paving courtyard and existing drainage is to remain unaffected by the proposals and whilst the proposals show a small extension to the existing store/outbuilding to the rear this minor increase in built form over an area of concrete hardstanding is not considered to detrimentally impact the existing condition on site such that Flood Risk will not be increased to third parties.

It is not therefore considered that the proposed development would result in any increased levels of flood risk for users of the site or elsewhere in accordance with the NPPF and Core Policy 10.

Planning Balance and Conclusion

In conclusion the proposed change of use of the site to A3 and A4 use classes is considered to be appropriate in this location having regard to the hierarchy of this principle village and the designation of the local centre. The scheme would also bring economic benefits of bringing a large keystone unit in this location back into use and offer some local employment opportunities which do weigh in the schemes favour.

The application is not considered to detrimentally impact upon the Farnsfield Conservation Area

and subject to conditions would not detrimentally impact the amenity of neighbouring residents. There would also be no additional flood risk that would arise as a result of this application. These elements are neutral therefore in the planning balance.

Nevertheless, given the sensitivity of the location with regard to the capacity of the highways network there is an overriding highways safety concern which given the capacity of the proposed restaurant/café bar and the anticipated number of covers it has been concluded that there would be a significant effect upon car parking that is likely to have a significant and unacceptable impact on highway safety arising from cars parked in the vicinity and causing nuisance to neighbours who rely on on-street parking.

Irrespective of the fallback position that the premises could open in A1 use at any time this proposal would increase the demand on the highways network for prolonged periods of time and therefore harm highway safety and be in conflict with SP7 and DM5 of the DPD.

In my view this harm outweighs the benefits of the scheme and I recommend that this application be refused.

RECOMMENDATION

That planning permission is refused for the following reason:

01

In the opinion of the Local Planning Authority the proposed development fails to make adequate provision for the parking of any vehicles within the site curtilage resulting in an increase in the likelihood of danger to other users of the highway due to the likelihood of vehicles being parked on the public highway and surrounding area to the detriment of highway safety. The parking of vehicles on the highway is also likely to give rise to nuisance to residents in the area that rely on on-street parking and exacerbate existing parking issues. The proposal does not therefore accord with the requirements of Spatial Policy 7 (Sustainable Transport) of the adopted Newark & Sherwood Core Strategy nor Policy DM5 (Design) of the adopted Allocations and Development Management DPD which together form the Development Plan as well as the NPPF, a material planning consideration. There are no matters that outweigh the harm identified.

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Director of Growth and Regeneration

Committee Plan - 19/00208/FUL

